



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 6, 1998

Angie Rogers LaPlace, Esq.
Assistant Attorney General
P.O. Box 94005
Baton Rouge, Louisiana 70804-9005

Dear Ms. LaPlace:

This refers to your request that the Attorney General reconsider and withdraw the January 13, 1998, objection interposed under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, to the provisions in Section 2 of Act No. 1420 (1997) concerning the time period during which voting precinct boundaries cannot be changed in the State of Louisiana. We received your request on February 3, 1998.

We have reconsidered our earlier determination on this matter based on the information you have advanced in support of your request along with other information in our files.

Our objection to the proposed precinct freeze was informed by our experiences under Section 5 in reviewing submissions of numerous redistricting plans adopted by Louisiana parishes and school boards following the 1990 Census. We described our conclusions regarding the likely effect of the proposed precinct freeze as follows:

Our review of post-1990 Census redistricting submissions for parish governing authorities and school districts in the state suggests that if parish officials lack the authority to make changes in voting precinct lines during the entire period when most redistricting will occur, local officials may be forced to adopt plans that do not fairly recognize minority voting strength. Thus, the proposed changes may well hamper the ability of state and local officials to draw

districts that do not fragment, pack or submerge minority voters, and, in the context of racially polarized voting, may well leave minority voters worse off in terms of their electoral opportunity under post-2000 redistricting plans. Voting changes that will "lead to a retrogression in the position of . . . minorities with respect to their effective exercise of the electoral franchise," violate Section 5. See Beer v. United States, 425 U.S. 130, 141 (1976).

While we are not unmindful of the state's interest in ensuring the orderly administration of elections, that interest must be bounded in some reasonable way so as not to impinge too heavily on the important federal interest the state and its political subdivisions have in complying with the requirements of federal law. Under the proposed freeze provisions, local officials will be hamstrung in their efforts to comply with the Voting Rights Act because the state has not taken any steps to ensure that they will have an opportunity to adjust voting precinct boundaries in the context of redistricting in order to avoid the impact on minority voting strength that rigid adherence to the "whole precinct" redistricting requirement is likely to produce.

Your request for reconsideration relies solely on an accompanying letter from Representative Emile "Peppi" Bruneau, Speaker Pro Tempore of the Louisiana House of Representatives. That letter repeated much of the information previously provided by the state in a November 5, 1997, letter, which we had considered before reaching our decision to interpose our objection. Representative Bruneau's letter did not contain any new information or argument addressing the specific concerns, quoted above, which prompted our objection. Consequently, I remain unable to conclude that the State of Louisiana has carried its burden of showing that the submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). Therefore, on behalf of the Attorney General, I must decline to withdraw the objection to provisions in Section 2 of Act 1420 which provide for a period of time during which voting precinct boundaries cannot be changed.

As we previously advised, you may seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. We remind you that until such a judgment is rendered by that court, the objection by the Attorney General remains in effect and the proposed change continues to be legally unenforceable. See Clark v. Roemer, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

Sincerely,

Bill Lann Lee/ll

Bill Lann Lee

Acting Assistant Attorney General
Civil Rights Division